IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8689 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

M.J. PATEL

Appearance:

1. Special Civil Application No. 8689 of 2003

MR HARDIK C RAWAL for Petitioner No. 1

MR MUKESH H RATHOD for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 28/07/2003

ORAL JUDGEMENT

#. Rule. Mr.Rathod waives service of rule for the respondent. With the consent of the parties, the matter

is taken up for final hearing today.

#. By filing this petition, the petitioner Corporation has challenged the award passed by the Industrial Tribunal, Ahmedabad in Reference (IT) No.159 of 1997. The respondent was subjected to the departmental inquiry on the ground that he has committed an accident by rash and negligent driving and in view of his rash and negligent driving, one person lost his life who was pillion rider on the scooter. The respondent was acquitted by the Criminal Court, yet, in the departmental inquiry, the punishment was imposed upon him. The Second Appellate Authority, who is the ultimate authority of the Corporation, ultimately, passed the order of reducing the salary of the respondent by five stages from Rs.2412 to Rs.2102/-. The respondent, thereafter, raised the industrial dispute. The Industrial Tribunal by the impugned award, came to the conclusion that since the respondent was acquitted by the Criminal Court and considering the evidence on record, he should not have been subjected to any penalty in the departmental inquiry. The Tribunal, ultimately, set aside the order of punishment and ordered that, whatever loss the respondent has suffered in view of the penalty imposed upon him, be paid to him immediately by the Corporation. The said order is challenged in this petition at the instance of the petitioner Corporation.

#. At the time of hearing of this petition, learned advocates of both the sides have pointed out that they have settled the dispute. Mr.Raval submitted that the Corporation has agreed to pay monetary benefit to the respondent to the extent of 70% as per the order of the Industrial Tribunal. Mr.Raval has placed on record the copy of a letter received by him from the Law Officer of the Corporation in this behalf. Since both the sides have amicably settled the dispute, the award of the Industrial Tribunal is modified. While confirming the award of the Tribunal, it is clarified that whatever monetary benefit the respondent workman is entitled as per the award of the Industrial Tribunal, 30% of the same are withheld and rest of the benefits are to be given to the respondent workman. The award of the Industrial Tribunal is accordingly modified and it is ordered that the respondent will be entitled to get 70% monetary benefit instead of full monetary benefit granted by the Tribunal for the intervening period. Whatever benefit is required to be given to the concerned workman, is to be given within a period of two months from today.

#. This petition is accordingly allowed. Rule is made

absolute to the aforesaid extent with no order as to costs.

(P.B.Majmudar,J)

(pathan)